

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Diaz et al.
Appl. No.	:	09/821,371
Filed	:	March 29, 2001
For	:	PERSONALIZED HAND HELD CALORIE COMPUTER
Examiner	:	Nguyen, Tan D.
Group Art Unit	:	1723
Conf. No.	:	3448

REQUEST TO RETURN SUBMITTED ORIGINAL LETTERS PATENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Patentee hereby requests the return of the original Letters Patent No. 5,890,128, issued March 30, 1999, which was previously submitted to the Patent and Trademark Office in connection with the above-identified reissue application. 37 C.F.R. 1.178(a), as amended and effective October 21, 2004, no longer requires the physical surrender of the original letters patent in a reissue application.

MPEP 1416 provides, "Where the patentee has submitted the original letters patent in a reissue application subject to 37 CFR 1.178 as it is now amended, the Office may, in response to a timely request, return the original letters patent, when it can be readily retrieved from where it is stored, namely, the paper application file, or the artifact storage area for an Image File Wrapper (IFW) file."

Accordingly, Patentee respectfully requests that the present request be granted and the original Letters Patent No. 5,890,128 be returned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12-15-09

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